

MESSAGE NO: 3196111 MESSAGE DATE: 07/15/1993

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: ORD-Order PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

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REFERENCE
MESSAGE #
(s):

CASE #(s): A-588-210, A-588-211

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/12/1993 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: AMENDED FINAL ANTIDUMPING DUTY DETERMINATION AND ANTIDUMPING DUTY
ORDER FOR PECTS AND NEGATIVE FINAL INJURY DETERMINATION FOR PESGTS

MESSAGE NO: 3196111

DATE: 07 15 1993

CATEGORY: ADA

TYPE: ORD

REFERENCE:

REFERENCE DATE:

CASES: A - 588 - 210

A - 588 - 211

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PERIOD COVERED: 07 12 1993 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: AMENDED FINAL ANTIDUMPING DUTY DETERMINATION AND
ANTIDUMPING DUTY ORDER FOR PECTS AND NEGATIVE FINAL
INJURY DETERMINATION FOR PESGTS

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER
ON JULY 12, 1993, NOTICE OF AN AMENDED FINAL DETERMINATION AND
ANTIDUMPING DUTY ORDER ON PECTS FROM JAPAN.

2. THE INTERNATIONAL TRADE COMMISSION (ITC) NOTIFIED THE
COMMERCE DEPARTMENT ON JULY 6, 1993, OF ITS DETERMINATIONS THAT
SALES OF PECTS AT LESS THAN FAIR VALUE MATERIALLY INJURED THE
U.S. DOMESTIC PRODUCERS OF PECTS (A-588-210), BUT SALES OF PESGTS
AT LESS THAN FAIR VALUE DID NOT INJURE, NOR THREATENED MATERIAL

INJURY TO, THE U.S. DOMESTIC PRODUCERS OF PESGTS (A-588-211).

3. BECAUSE OF THE NEGATIVE INJURY DETERMINATION FOR PESGTS, THE U.S. CUSTOMS SERVICE SHALL DISCONTINUE SUSPENSION OF LIQUIDATION OF ONLY PESGTS. ALL ESTIMATED ANTIDUMPING DUTIES DEPOSITED ON SUCH ENTRIES SHALL BE REFUNDED AND THE APPROPRIATE BONDS OR OTHER SECURITIES BE RELEASED AT THE TIME OF LIQUIDATION.

4. DISCONTINUATION OF SUSPENSION OF LIQUIDATION FOR PESGTS IS ORDERED FORTHE FOLLOWING:

MANUFACTURER/PRODUCER EXPORTER	ID #
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MAKITA CORPORATION	A-588-211-001
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ALL OTHERS	A-588-211-000
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5. SINCE THE ITC FOUND MATERIAL INJURY WITH RESPECT TO PECTS IN ITS FINAL DETERMINATION, THE PRODUCTS COVERED BY THE ANTIDUMPING DUTY ORDER ARE PROFESSIONAL ELECTRIC CUTTING TOOLS (PECTS). THE TOOLS MAY BE ASSEMBLED OR UNASSEMBLED AND CORDED OR CORDLESS.

THE TERM "ELECTRIC" ENCOMPASSES ELECTROMECHANICAL DEVICES, INCLUDING TOOLS WITH ELECTRONIC VARIABLE SPEED FEATURES.

THE TERM "ASSEMBLED" INCLUDES UNFINISHED OR INCOMPLETE ARTICLES, WHICH HAVE THE ESSENTIAL CHARACTERISTICS OF THE FINISHED OR COMPLETE TOOL.

THE TERM "UNASSEMBLED" MEANS COMPONENTS, WHICH WHEN TAKEN AS A WHOLE, CAN BE CONVERTED INTO THE FINISHED OR UNFINISHED OR INCOMPLETE TOOL THROUGH SIMPLE ASSEMBLY OPERATIONS, E.G., KITS.

PECTS HAVE BLADES OR OTHER CUTTING DEVICES USED FOR CUTTING WOOD, METAL, AND OTHER MATERIALS. PECTS INCLUDE CHOP SAWS, CIRCULAR SAWS, JIG SAWS, RECIPROCATING SAWS, MITER SAWS, PORTABLE BAND

SAWS, CUT-OFF MACHINES, SHEARS, NIBBLERS, PLANERS, ROUTERS, JOINERS, JOINTERS, METAL CUTTING SAWS, AND SIMILAR CUTTING TOOLS.

THE PRODUCTS SUBJECT TO THIS ORDER INCLUDE ALL HAND-HELD PECTS AND CERTAIN BENCH-TOP, HAND-OPERATED PECTS.

HAND-OPERATED TOOLS ARE DESIGNED SO THAT ONLY THE FUNCTIONAL OR MOVING PART IS HELD AND MOVED BY HAND WHILE IN USE, THE WHOLE BEING DESIGNED TO REST ON A TABLE TOP, BENCH, OR OTHER SURFACE. BENCH-TOP TOOLS, ARE SMALL STATIONARY TOOLS THAT CAN BE MOUNTED OR PLACED ON A TABLE OR BENCH. THEY ARE GENERALLY DISTINGUISHABLE FROM OTHER STATIONARY TOOLS BY SIZE AND EASE OF MOVEMENT.

THE SCOPE OF THE PECTS ORDER INCLUDES ONLY THE FOLLOWING BENCH-TOP, HAND-OPERATED TOOLS: CUT-OFF SAWS; PVC SAWS; CHOP SAWS; CUT-OFF MACHINES, CURRENTLY CLASSIFIABLE UNDER SUBHEADING 8461 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS); ALL TYPES OF MITER SAWS, INCLUDING SLIDE COMPOUND MITER SAWS AND COMPOUND MITER SAWS, CURRENTLY CLASSIFIABLE UNDER SUBHEADING 8465 OF THE HTSUS; AND PORTABLE BAND SAWS WITH DETACHABLE BASES, ALSO CURRENTLY CLASSIFIABLE UNDER SUBHEADING 8465 OF THE HTSUS.

THIS ORDER DOES NOT INCLUDE:

PROFESSIONAL SANDING/GRINDING TOOLS;
PROFESSIONAL ELECTRIC DRILLING/FASTENING TOOLS;
LAWN AND GARDEN TOOLS;
HEAT GUNS;
PAINT AND WALLPAPER STRIPPERS; AND
CHAIN SAWS, CURRENTLY CLASSIFIABLE UNDER SUBHEADING 8508 OF THE HTSUS.

PARTS OR COMPONENTS OF PECTS WHEN THEY ARE IMPORTED AS KITS, OR AS ACCESSORIES IMPORTED TOGETHER WITH COVERED TOOLS, ARE INCLUDED WITHIN THE SCOPE OF THIS ORDER.

"CORDED." AND "CORDLESS" PECTS ARE INCLUDED WITHIN THE SCOPE OF THIS ORDER. "CORDED" PECTS, WHICH ARE DRIVEN BY ELECTRICAL CURRENT PASSED THROUGH A POWER CORD, ARE, FOR PURPOSES OF THIS ORDER DEFINED AS POWER TOOLS WHICH HAVE AT LEAST FIVE OF THE FOLLOWING SEVEN CHARACTERISTICS:

(1) THE PREDOMINATE USE OF BALL, NEEDLE OR ROLLER BEARINGS (I.E., A MAJORITY OR GREATER NUMBER OF THE BEARINGS IN THE TOOL ARE BALL, NEEDLE OR ROLLER BEARINGS);

(2) HELICAL, SPIRAL BEVEL OR WORM GEARING;

(3) RUBBER (OR SOME EQUIVALENT MATERIAL WHICH MEETS UL'S SPECIFICATIONS S OR SJ) JACKETED POWER SUPPLY CORD WITH A LENGTH OF 8 FEET OR MORE;

(4) A POWER SUPPLY CORD WITH A SEPARATE CORD PROTECTOR;

(5) EXTERNALLY ACCESSIBLE MOTOR BRUSHES;

(6) THE PREDOMINATE USE OF HEAT TREATED TRANSMISSION PARTS (I.E., A MAJORITY OR GREATER NUMBER OF THE TRANSMISSION PARTS IN THE TOOL ARE HEAT TREATED); AND

(7) THE PRESENCE OF MORE THAN ONE COIL PER SLOT ARMATURE.

IF ONLY SIX OF THE ABOVE SEVEN CHARACTERISTICS ARE APPLICABLE TO A PARTICULAR "CORDED" TOOL, THEN THAT TOOL MUST HAVE AT LEAST FOUR OF THE SIX CHARACTERISTICS TO BE CONSIDERED A "CORDED" PECT.

"CORDLESS" PECTS, FOR THE PURPOSES OF THIS ORDER, CONSIST OF THOSE CORDLESS ELECTRIC POWER TOOLS HAVING A VOLTAGE GREATER THAN 7.2 VOLTS AND A BATTERY RECHARGE TIME OF ONE HOUR OR LESS.

PECTS ARE CURRENTLY CLASSIFIABLE UNDER THE FOLLOWING SUBHEADINGS OF THE HTSUS: 8508.20.00.20, 8508.20.00.70, 8508.20.00.90, 8461.50.00.20, 8465.91.00.35, 8508.80.00.55, 8508.80.00.65 AND

8508.80.00.90.

ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, OUR WRITTEN DESCRIPTION OF THE SCOPE OF THIS ORDER IS DISPOSITIVE.

PLEASE SEE PARAGRAPHS 9, 10, 11, AND 12 FOR A LISTING OF COMPANY-SPECIFIC PRODUCTS EXCLUDED FROM THIS ORDER.

6. FOR FURTHER REPORTING PURPOSES, THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-588-823. THIS NUMBER SHOULD BE USED WHEN DEALING WITH THE DEPARTMENT OF COMMERCE ONLY. THE CUSTOMS IDENTIFICATION NUMBERS (BELOW) ARE TO BE USED FOR CUSTOMS IDENTIFICATION PURPOSES AND BLUE LINE REPORTS.

7. BLUE LINE REPORTS ARE REQUIRED FOR WAREHOUSE WITHDRAWALS FOR CONSUMPTION.

8. THE U.S. CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES OF PECTS FROM JAPAN THAT ARE ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER JANUARY

4, 1993. IN ADDITION, EFFECTIVE JULY 12, 1993, CUSTOMS OFFICIALS SHALL REQUIRE A CASH DEPOSIT EQUAL TO THE ESTIMATED MARGIN PERCENTAGES LISTED BELOW FOR ALL ENTRIES OF THE SUBJECT MERCHANDISE OR WITHDRAWALS FROM WAREHOUSE, FOR CONSUMPTION ON AND AFTER JULY 12, 1993.

MANUFACTURER/PRODUCER/ EXPORTER	IDENTIFICATION NUMBER	WEIGHTED-AVERAGE MARGIN PERCENTGAGE
MAKITA CORPORATION	A-588-210-001	54.52%
ALL OTHERS	A-588-210-000	54.52%

THE UNITED STATES AND EXCLUDED FROM THE SCOPE OF THIS ORDER:
CORDLESS CUTTING TOOLS:

MAKITA	MODEL NUMBER	TYPE OF TOOL
	3700D	TRIMMER
	3700DW	TRIMMER
	3700DQK	TRIMMER
	4307D	JIG SAW
	4307DW	JIG SAW

CORDED CUTTING TOOLS:

MAKITA	MODEL NUMBER	TYPE OF TOOL
	4320	JIG SAW

HAND-OPERATED CUTTING TOOLS:

MAKITA	MODEL NUMBER	TYPE OF TOOL
	B180	BAND SAW
	B181	BAND SAW
	KP300	PLANING MACHINE
	LAP300R	PLANING MACHINE
	LAP300S	PLANING MACHINE
	LAP400	PLANING MACHINE
	LA450	PLANING MACHINE
	LA450SP	PLANING MACHINE
	LA451	PLANING MACHINE
	LA451SP	PLANING MACHINE
	LB100	BAND SAW
	LG200	SHAPING MACHINE
	LJ310	PLANING MACHINE

LJ311 PLANING MACHINE

LK510 PLANING MACHINE

LM3001	WOODWORKING MACHINE
LM450	WOODWORKING MACHINE
LM450SP	WOODWORKING MACHINE
LM451	WOODWORKING MACHINE
LM451SP	WOODWORKING MACHINE
LPE500	PLANING MACHINE
LPE650	PLANING MACHINE
LP1802C	WOOD SURFACING MACHINE
LP1802CSP	WOOD SURFACING MACHINE
LP2502C	WOOD SURFACING MACHINE
LP2502CSP	WOOD SURFACING MACHINE
LP2521	WOOD SURFACING MACHINE
LP2523	WOOD SURFACING MACHINE
LP300	WOOD SURFACING MACHINE
NPE450	PLANING MACHINE
PP180	PUNCHER
SJ350	SCROLL SAW
SJ500	SCROLL SAW
SJ700	SCROLL SAW
2004	PLANER/JOINTER
2006	PLANER/JOINTER
2012	PLANER
2012SP	PLANER
2020	PLANER/JOINTER
2030	PLANER/JOINTER
2030N	PLANER/JOINTER
2030NC	PLANER/JOINTER
2032	PLANER/JOINTER
2033	PLANER/JOINTER
2033C	PLANER/JOINTER
2040	PLANER
2114C	BAND SAW
2116A	BAND SAW
2116ASP	BAND SAW
2116A3	BAND SAW
2116A3SP	BAND SAW
2516	STATIONARY ROUTER
2516C	STATIONARY ROUTER

2516CSP	STATIONARY ROUTER
2516N	STATIONARY ROUTER
2516S	STATIONARY ROUTER
2700	TABLE SAW
2700N	TABLE SAW
2700NTP	TABLE SAW
2708	TABLE SAW
2708W	TABLE SAW
2711	TABLE SAW
5500B	TENONING MACHINE
5500S	TENONING MACHINE
5500SSP	TENONING MACHINE
5500T	TENONING MACHINE
5500T3	TENONING MACHINE
5501	TENONING MACHINE
55013	TENONING MACHINE
55013SP	TENONING MACHINE
7001	CHISEL MORTISER
7300S	CHISEL MORTISER
7304	CHISEL MORTISER
7305	CHISEL MORTISER
7305H	CHISEL MORTISER
7305HKI	CHISEL MORTISER
7305L	CHISEL MORTISER
2031	PLANER
2031NC	PLANER

GARDENING TOOLS:

MAKITA	MODEL NUMBER	TYPE OF TOOL
	UH3000	HEDGE TRIMMER
	UH3000D	HEDGE TRIMMER
	UH3000DW	HEDGE TRIMMER
	UH301DW	HEDGE TRIMMER
	UH302DW	HEDGE TRIMMER
	UH3070DW	HEDGE TRIMMER
	UH3500	HEDGE TRIMMER
	UH4500	HEDGE TRIMMER
	UH4510A	HEDGE TRIMMER

UH4600	HEDGE TRIMMER
UH6300	HEDGE TRIMMER
UM1000D	GRASS SHEAR
UM1000DW	GRASS SHEAR
UM1070DW	GRASS SHEAR
UM1200D	GRASS TRIMMER
UM120DW	GRASS TRIMMER
UM1270DW	GRASS TRIMMER
UM160DW	GRSSS CUTTER
UM1690DW	GRASS CUTTER
UM1691D	GRASS CUTTER
UM1691DQ	GRASS CUTTER
UM1691DW	GRASS CUTTER
UM170	LAWN MOWER
UM230	LAWN MOWER
UM2301	GRASS CUTTER
UM2320	GRASS CUTTER
UM250	GRASS CUTTER
UM3010	LAWN MOWER
UM3100	LAWN MOWER
UM350	GRASS CUTTER
UM3520	GRASS CUTTER
4601DW	PRUNING SHEAR
4603DW	PRUNING SHEAR
4610D	PRUNING SHEAR
4610DW	PRUNING SHEAR
UH301D	HEDGE TRIMMER
UH6310A	HEDGE TRIMMER

10. THE FOLLOWING IS A LIST OF RYOBI'S PRODUCTS EXPORTED TO THE UNITED STATES AND EXCLUDED FROM THIS ORDER:

HAND-OPERATED CUTTING TOOLS

RYOBI	MODEL NUMBER	TYPE OF TOOL
	AH115	PLANER-JOINTER
	AP10	PLANER-JOINTER
	AP125	PLANER-JOINTER
	BS50N	BAND SAW

BS1100	BAND SAW
BT2500	TABLE SAW
BT3000	WOOD CUTTING SYSTEM
CM30A	CHAIN MORTISER
DM25A	CHISEL MORTISER
JP155	JOINTER-PLANER
RA200	RADIAL ARM SAW MACHINE
SC160	SCROLL SAW

11. THE FOLLOWING IS A LIST OF HITACHI'S PRODUCTS EXPORTED TO THE UNITED STATES AND EXCLUDED FROM THIS ORDER:

HAND-OPERATED CUTTING TOOLS

HITACHI	MODEL NUMBER	TYPE OF TOOL
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C12Y	TABLE SAW
CB75F	BAND SAW
CB100F	BAND SAW
CB18FA	BAND SAW
F1000A	PLANER-JOINTER
P12R	PLANING MACHINE
P12RA	PLANING MACHINE
P100F	PLANING MACHINE

GARDENING TOOLS

HITACHI	MODEL NUMBER	TYPE OF TOOL
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FCH66	HEDGE TRIMMER
FH35SA	HEDGE TRIMMER
FH45	HEDGE TRIMMER

12. THE FOLLOWING IS A LIST OF TOOLS IMPORTED BY AMADA CUTTING TECHNOLOGIES WHICH ARE EXCLUDED FROM THE SCOPE OF THIS ORDER.

HAND OPERATED CUTTING TOOLS

AMADA CUTTING TECHNOLOGIES

MODEL #	TYPE OF TOOL
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HFA-250W	BAND SAW
HFA-400W	BAND SAW
HFA-500	BAND SAW
HFA-700	BAND SAW
HA-250W	BAND SAW
HA-400W	BAND SAW
HA-500	BAND SAW
HA-700	BAND SAW
H-250SA	BAND SAW
H-250D	BAND SAW
H-400	BAND SAW
H-650H	BAND SAW
H-700	BAND SAW
H-1080	BAND SAW
H-1300(L)	BAND SAW
H-650HD	BAND SAW
HK-800	BAND SAW
HKA-800	BAND SAW
H-900HD	BAND SAW

13. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THEY SHOULD BE REFERRED TO THE IMPORT SPECIALIST DIVISION, OTHER AGENCY BRANCH, CUSTOMS HEADQUARTERS, VIA E-MAIL ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT BRIAN SMITH OF THE OFFICE OF ANTIDUMPING INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, TELEPHONE (202) 482-1766.

THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party